



# UNITED STATES PATENT AND TRADEMARK OFFICE

Walter  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,110	05/09/2001	David Frederick Bantz	YOR920010328US1	5012
35526	7590	01/31/2005	EXAMINER	
DUKE, W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			PIERRE, MYRIAM	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Restarting Period for Response Office Action Summary</i>	Application No.	Applicant(s)
	09/852,110	BANTZ ET AL.
	Examiner	Art Unit
	Myriam Pierre	2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-39 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04-09-2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 04/09/02.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **REPLACEMENT OFFICE ACTION**

### **Restarting Period for Response**

1. Due to a clerical error, the form 892 was omitted from the Office Action, mailed 10/01/2004. Peter Manso called the examiner of record on behalf of DUKE, W. YEE YEE & ASSOCIATES, P.C. regarding the missing 892 and the wrong patent number for Beck et al in the Office Action. Corrections were made verbally and in the instant office action; the missing form 892 is herewith attached. As verbally expressed via telephone to Peter Manso on December 22, 2004; the shortened Statutory Period for Reply is hereby reset to expire 3 months after the date of mailing.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-20, 21 and 39** are rejected under 35 U.S.C. 102(b) as being unpatentable over Nemoto (6,584,180).

**As to claims 1, 21, and 39, Nemoto teaches inherently**

sending the transcription to the second party device (“**screener**” is 2<sup>nd</sup> party device)

when handing over the communication from the first party device to the second party device (**words from recognition result (col. 9, lines 39-40).**

**As to claims 2 and 22,** Nemoto teaches that the portion of the communication that is transcribed includes only speech input to the first party device (“**voice recognition**” means, **first party, col. 3, lines 19-20 and col. 10, lines 5-7).**

**As to claims 3 and 23,** Nemoto teaches that the portion of the communication that is transcribed includes speech input from a third party that initiated the communication (**voice input from “caller”, third party sent to screener or screener/operator, col. 2, line 66 and col. 10, lines 5-7).**

**As to claims 4 and 24,** Nemoto teaches the first party device is a first call taker workstation associated with center and the second party device second call taker workstation of the call center (**automatic voice interaction (first party device) forwarded to screener or screener/operator workstation (second party device); col. 8 and 9, lines 37-40; col. 3, lines 63-65; and col. 10, lines 5-7).**

**As to claims 5 and 25, Nemoto teaches in a first call taker associated with the first call taker workstation provides a first level of assistance and a second call taker associated with the second taker workstation provides a second level of assistance (**automatic voice response (first party, or call taker) in workstation and to screener or screener/operator (second taker) in workstation, col. 9, lines 65-66; col. 10, lines 5-7 and col. 8, lines 6-10**).**

**As to claims 6 and 26, Nemoto teaches the second level of assistance is more specialized than the first level of assistance (**screener interface (second level) or operator can detect callers voice if the caller needs more specialized assistance (col. 3, lines 63-67 and col. 4, lines 1-6)**.**

**As to claims 8 and 28, Nemoto teaches a reduced size vocabulary of recognized words that are specific to communications typically handled by the first party device (**smaller vocabulary, col. 4, line 20**).**

**As to claims 9, 10, 29, and 30, Nemoto teaches enabling the speech recognition function automatically upon the occurrence of a triggering event (**a customer calls, col. 3, lines 18-23**)**

**As to claims 11 and 31, Nemoto teaches a response to an input from a first party associated with a first party device (**recognition system analysis voice input - caller/user, first party device, col. 3, lines 3-4**).**

**As to claim 12, Nemoto teaches displaying the transcription on a first party device. (screener as part of the automatic interaction voice response system (first party device), has a 'display'. col. 7 lines 19-20 and col. 8, line 1).**

**As to claim 13, Nemoto teaches displaying the transcription on the second party device after the transcription is received by the second party device when handing over the communication from the first party device to the second party device (operator display when operator is combined operator/screener col. 10, lines 17-21).**

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 7, 14-15, 27, 32, 33, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemoto (6,584,180).**

**As to claims 7 and 27, Nemoto does not teach using a speech recognition function trained on first party speech input.**

Official Notice is taken that speaker-dependent speech recognition is

Art Unit: 2654

old and notoriously well known. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to use the speech recognition function that is trained based on speech input from a first party associated with the first party device to increase recognition accuracy.

**As to claims 14-15 and 32-33,** Nemoto does not teach conspicuously identifying words of importance by highlighting them.

Official Notice is taken that highlighting important words is old and notoriously well known. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to identify recognized words of importance by highlighting to make them conspicuous for easy updating.

5. **Claims 16-20, and 34-38,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemoto (6,584,180) as applied to claims 1 and 21 above, in view of Beck (6,370,508)

**Claims 16-17, and 34-35,** Nemoto does not teach using the same or different entities providing the device.

However, Beck teaches providing the device using the first party device and the second party device are provided by a same entity. (**Beck uses a “single entity” for thread or string dialog which will occur between first and second party devices, such as agent A and customer B, column 22, line 22-24 and Fig 3-4**), and a first party device and the second party device provided by

different entities (**Beck uses an “enterprise entity” which is defined as an agent, knowledgeable worker, or any other live attendant, so the party devices, either via telephone or WEB, can be different entities or workers column 18, line 6-10 and Fig 1).**)

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Beck's single or enterprise entity to have more portable devices that will enable the call centers provide better customer service to the users.

**Claim 18-19 and 36-37,** Nemoto does not teach analyzing transcriptions that includes performing data mining for identifying recommendations for handling the communication.

However, Beck teaches of analyzing the transcription includes performing data mining on the transcription (**uses a speech recognizer that performs the transcriptions (column 20, lines 29-35) and the text goes through the process of data mining to determine how to handle the communication, column 12, lines 54-58; col. 13, lines 3-7, 10-13, 29-35 and Fig 3 and 4).**)

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Beck's data mining with Nemoto's response system using voice recognition for feedback from the first and second devices to ensure a system that has recommendations that will enhance better customer service in call centers or other workstations.

As to claims 20 and 38, Nemoto does not teach using a network system that handles rule-based recommendations.

However, Beck teaches of analyzing the transcription to identify recommendations for handling the communication includes using at least one of an expert system, a neural network, and a rule-based system identify the recommendations (**Beck uses a network system, Fig 1**).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Beck's network with Nemoto's expert system (screener or operator) that has recommendations that will enhance better customer service in call centers or other workstations.

### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

Ehsani (2002/0128821) teaches natural language interface which speech recognition to convert text to speech in network system.

Greene (6,377,925) teaches many devices that interact with users, including text to speech.

Parvulescu (5,724,410) teaches voice message transmitted from message terminals, using speech to text converters.

Art Unit: 2654

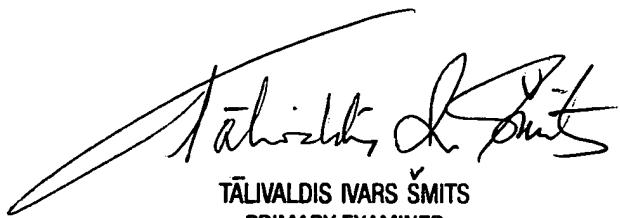
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 703-605-1196. The examiner can normally be reached on Monday – Friday from 5:30 a.m. - 2:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information As to the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MP

01/03/2005



TALIVALDIS IVARS SMITS  
PRIMARY EXAMINER